



BOARD OF REGISTERED NURSING
P.O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Ruth Ann Terry, MPH, RN, Executive Officer

DIVERSION / DISCIPLINE COMMITTEE MINUTES

DATE: August 21, 2008

SITE: Doubletree Guest Suites
2085 S. Harbor Blvd.
Anaheim, CA 92802
Phone: (714)-750-3000
Fax: (714)-750-3002

MEMBERS PRESENT: LaFrancine Tate, President
Nancy Beecham, RNC, BS, FADONA \ LTC, Acting Chair

STAFF PRESENT: Heidi Goodman, Assistant Executive Officer
Carol Stanford, Diversion & Probation Program Manager
Stacie Berumen, Project Manager
Louise Bailey, RN, NEC Supervisor
Geri Nibbs, RN, NEC

OTHERS PRESENT: Virginia Matthews, Maximus
Genevieve Clavreul, NRNPA
Susan Naimi – California Career College
Paulina Van, RN, Ph. D.
Joyce Johnson - Mt. San Jacinto College

The Acting Chair, Nancy Beecham called the meeting to order at 9:05 am.

1.0 COMMITTEE BUSINESS

1.1 Approve/Not Approve: Minutes of May 8, 2008

M/S/C: LaFrancine Tate / Nancy Beecham approved the minutes as submitted.

2.0 ENFORCEMENT PROGRAM

2.1 Information Only: Enforcement Program Update and Statistics

Attached The Enforcement Program Statistics for July 2007 through June 2008 were attached.

Statistics

The Board's Fiscal year 2007-2008 statistics indicated that within the last six fiscal the following numbers reflect the highest number of: complaints at 3,900; investigations opened at 2,754; pleadings filed at 494; and disciplinary actions at 339.

The Board opened 837 more investigations than in FY 2006/07 which is an increase of 44%. The Board referred an additional 122 cases to the Attorney General's Office for action which is an increase of 39%.

The Board settled 59% of all disciplinary matters by stipulated agreement. Additionally, only 11% of disciplinary matters went through an administrative hearing.

A meeting will be scheduled with staff at DOI and the AG's offices to create a plan of action to improve processing times and prioritize cases. Monitoring and gathering data related to the AG and DOI statistics and budget to determine if current and forecasted workload warrants pursuing a future budget change proposal for additional staffing and funding will continue. Additionally, the enforcement Program is monitoring the caseload and the number of hours being used by both the AG and DOI.

3.0 DIVERSION/PROBATION PROGRAMS

3.1 Information Only: Diversion Program Update and Statistics

Program Update

The Diversion Program Manager was appointed to NCSBNs Chemical Dependency Program Review Committee and the first committee meeting was held June 30th - July 1st. The ultimate goal of this committee is to create standards of practice guidelines for all State Monitoring Programs for RN health professionals. The committee members bring a wealth of experience, information and knowledge and will develop tools to assist programs that are required to monitor health care professionals resulting in dual accomplishments: public protection and the rehabilitation of RN healthcare professionals. The Program Manager informed the Board that BRN is tracking a new diversion bill, SB 1441.

Contract Update

On July 28, 2008, the seven Boards were informed that Maximus was awarded the Diversion Program contract. The contract was extended through December 2008, during the protest period. It is anticipated that the new contract will be in place prior to December as meetings are being held with Maximus to prepare for the new contract. The DCA Contracts Unit was instrumental in assisting the Boards in developing an exceptional RFP and maintaining a fair and impartial process in awarding the contract. Virginia Matthews, Project Director for Maximus, gave a report / update on relapse and drug use information.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

Statistics

The Monthly Statistical Summary Report for April, May and June 2008 was attached. As of June 30, 2008, there were 1,319 successful completions in the Diversion Program.

3.2 Information Only: Probation Program Update and Statistics

Program Update

The Probation Program hired Elizabeth Hespeler as the new Probation Monitor and she will join the Board on September 1, 2008, as the offer was approved prior to the budget impasse. Ms. Hespeler comes to the Board from Emergency Medical Services Authority and has worked for the Department of Public Health and will be an asset to the Program.

Statistics

The current statistics through July 28, 2008 were attached.

3.3 Diversion Evaluation Committee Members

- (a) Approve/Not Approve: Diversion Evaluation Committee Member Appointments/Reappointments/Term Extension**
- (b) Information Only: Diversion Evaluation Committee Member Resignation**

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three Registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

APPOINTMENTS

Below are the names of candidates who were interviewed and are being recommended for appointment to the Diversion Evaluation Committees (DEC). Their applications and résumés were attached. If appointed, their terms will expire June 30, 2012.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Elaine Bradley	Nurse	Palm Springs	6
Richard Diamond	Public	Sacramento	1
Elinore McCance-Katz	Physician	Oakland	13

M/S/C: Nancy Beecham / La Francine Tate - Approved

REAPPOINTMENTS

The following DEC members are requesting second term appointments. If their appointments are approved, their terms will expire on June 30, 2012

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Edy Stumpf	Public	Orange	4
Mardelle Buss	Physician	San Jose	7
Steven Robb	Nurse	San Diego	10
Diane Christoffels	Public	San Diego	10
Shannon Chavez	Public	San Jose	10

M/S/C: Nancy Beecham / La Francine Tate - Approved

TERM EXTENSION

The following DEC member is requesting an extension of his appointment. He has served two terms and is interested in a two-year extension of his appointment. If approved, his term will expire June 30, 2010.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Juan Martinez	Public	North Central	12

M/S/C: Nancy Beecham / La Francine Tate – Approved

(b) Information Only: Diversion Evaluation Committee Member Resignation

INFORMATION ONLY

Below is the name of Diversion Evaluation Committee member who has had to resign for personal reasons. His efforts were recognized and certificates and letters of appreciation on behalf of the Board were mailed out.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Raymond Jones	Nurse	North Coast	11

4.0 OPEN FORUM

Genevieve Clavreul RN had questions regarding the amount of males disciplined in comparison to females disciplined. She asked if information regarding discipline is contained on the BRN website.

The Acting Chair adjourned the meeting at 9:50 am.

Approved: _____



DIVERSION / DISCIPLINE COMMITTEE MINUTES

DATE: May 8, 2008

SITE: Four Points by Sheraton
4900 Duckhorn Drive
Sacramento, CA 95834
Phone: 916-263-9000
Fax: 916-263-9933

MEMBERS PRESENT: LaFrancine Tate, President
Grace Corse, Chair
Andrea Dutton, Med, ARRT
Nancy Beecham, RNC, BS, FADONA \ LTC

STAFF PRESENT: Heidi Goodman, Assistant Executive Officer
Louise Bailey, RN, NEC Supervisor
Carol Stanford, Diversion & Probation Program Manager

OTHERS PRESENT: Virginia Matthews, Maximus

The Acting Chair, Andrea Dutton called the meeting to order at 9:05 am.

1.0 COMMITTEE BUSINESS

Approve/Not Approve: Minutes of March 20, 2008

M/S/C: LaFrancine Tate / Andrea Dutton approved the minutes as submitted.

2.0 ENFORCEMENT PROGRAM

2.1 Information Only: Enforcement Program Update and Statistics

Attached are the Enforcement Program Statistics for July 2007 through March 31, 2008.

Statistics

It is important to note that the statistics provided at the last Board meeting showed that 758 cases were pending at the Attorney General's (AG) office; however, further review indicates there were only 611 cases pending as of February 29, 2008. Currently there are only 604 cases pending at the AGs office as of March 31st.

Projections indicate that 58.5% of all disciplinary matters will be settled by stipulated agreement. Additionally, projections reveal that only 10% of disciplinary matters will go through an administrative hearing this fiscal year.

Program Update

On May 19th, Stacie Berumen will rejoin the Board as the Enforcement Program Manager. She left the Enforcement Program one year ago to become the Licensing Program Manager for the Medical Board of California. Welcome back, Stacie.

3.0 DIVERSION/PROBATION PROGRAMS

3.1 Information Only: Diversion Program Update and Statistics

Program Update

The Diversion Program Manager and Virginia Matthews, Maximus Program Director, gave a presentation to the nurse leaders at the Kindred Hospital in Folsom, California on March 27, 2008. The presentation was well received and the staff provided positive feedback at its conclusion.

Contract Update

The seven Boards met and finalized a new RFP that was released on March 12th. It is anticipated that the new intent to award will be posted on or about May 10, 2008. It is anticipated that a new contract will be in place by June 30, 2008. Maximus Program Director, Virginia Matthews, gave a program overview.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for February and March 2008. As of March 31, 2008 there were 1,300 successful completions in the Diversion Program.

3.2 Diversion Evaluation Committee Members

(a) **Information Only: Diversion Evaluation Committee**

Member Resignation

In accordance with Business and Professions Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees (DEC). Each DEC is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

RESIGNATION

Below is the name of the Diversion Evaluation Committee member who has resigned for personal reasons. His efforts were recognized and a certificate and letter of appreciation, on behalf of the Board, has been mailed out.

NAME

Robert Watrous

TITLE

Physician

DEC

Ontario

NO

9

3 OPEN FORUM

The Acting Chair adjourned the meeting at 9:50 am.

Approved:

La Francine Tate

BOARD OF REGISTERED NURSING
Diversion/Discipline

Agenda Item Summary

AGENDA ITEM: 9.1
DATE: October 16, 2008

ACTION REQUESTED: Information Only: Diversion Program Update and Statistics

REQUESTED BY: Carol Stanford, Diversion/Probation Program Manager

BACKGROUND:

Program Update

The Diversion Program Manager assisted with amendments to SB 1441 regarding the Diversion Program that was signed into law by the Governor on September 28, 2008. In 2009 the Department of Consumer Affairs will develop a Substance Abuse Coordination Committee that will formulate uniform and specific standards for managing substance-abusing licensees. It also requires that all of the Diversion Programs be audited by 2010.

Contract Update

On October 3, 2008, a hearing was held in the Superior Court of Sacramento regarding a tentative ruling on the Petition for Writ of Mandate filed by Compass Vision protesting the award of the Diversion Program contract to Maximus. The outcome from the hearing is pending.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for July and August 2008. As of August 31, 2008 there were 1,335 successful completions in the Diversion Program.

NEXT STEP: None

**FINANCIAL
IMPLICATIONS,
IF ANY:**

None

PERSON TO CONTACT: Carol Stanford
Diversion/Probation Program Manager
(916) 574-7616

CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS
Fiscal Year End 06/30/2008

DESCRIPTION	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08*
Complaints Received	2,172	2,993	3,148	3,384	3,361	3,900
Referred to Diversion Program	342	225	256	311	367	332
Investigations Opened	1,314	1,132	2,401	2,312	1,917	2,754
Referred to Attorney General	302	391	331	562	314	436
Cases Pending at Attorney General	577	503	449	670	604	599
Petitions to Revoke Probation Filed	34	30	21	36	44	74
Accusations Filed	309	338	216	270	336	404
Statements of Issues Filed	20	30	15	22	22	16
Total Pleadings	363	398	252	328	402	494
Orders to Compel Examination (Sec. 820)	13	8	11	7	5	6
Interim Suspension Order	NA	3	4	2	3	1
Criminal Actions Filed	25	15	54	11	7	23
Licensee Disciplinary Actions:						
(a) Revocation	53	117	102	85	101	121
(b) Probation	57	149	137	110	120	131
(c) Suspension/Probation	1	2	0	3	6	10
(d) License Surrendered	18	49	49	36	67	73
(e) Public Reprimand/Reproval	1	12	5	8	9	3
(f) Decisions Other	0	0	6	2	3	1
Total, Licensee Discipline	130	329	299	244	306	339
Total Cite and Fine Citations Issued*	5	17	34	1	17	35
Applicant Disciplinary Actions:						
(a) License Denied	3	0	25	10	7	17
(b) License Issued on Probation	18	19	15	10	15	10
Total, Applicant Discipline	21	19	40	20	22	27
Process Used for Discipline (licensees)						
(a) Administrative Hearing	21	58	50	34	44	38
(b) Default Decision	42	82	73	63	76	101
(c) Stipulation	67	189	176	147	186	200
Total	130	329	299	244	306	339

*Fiscal Year to Date

BOARD OF REGISTERED NURSING
Diversion/Discipline

Agenda Item Summary

AGENDA ITEM: 9.2
DATE: October 16, 2008

ACTION REQUESTED: Information Only: Probation Program Update and Statistics

REQUESTED BY: Carol Stanford, Diversion/Probation Program Manager

BACKGROUND:

Program Update

The BRN has had to monitor over 470 in-state probationers with only four probation monitors. There are also an additional 167 probationers living out-of state whose cases are currently tolled. The addition of Elizabeth as a probation monitor will help alleviate some of the caseload of the other monitors in the program.

Of the in-state cases being monitored, 84 of the probation cases are currently referred to the Attorney General's Office for additional disciplinary actions and 36 have been disciplined since January 2008.

Statistics

Below are the current statistics for the Probation Program through October 6, 2008.

MALE	120
FEMALE	357
CHEMICAL DEPENDENCY CASES	266
PRACTICE CASES	160
SOUTHERN CALIFORNIA	242
NORTHERN CALIFORNIA	235
PENDING AT THE AG	84
ADVANCED CERTIFICATES	38
REVOKED OR SURRENDERS (July – Oct. 6. 2008)	12
TOTAL IN-STATE PROBATIONERS	477

NEXT STEP:

None

**FINANCIAL
IMPLICATIONS, IF ANY:**

None

PERSON TO CONTACT:

Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
July and August 2008**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	30	30	3,722
INTAKE INFORMATION			
Female	20	20	2941
Male	10	10	781
Average Age	35-39		
Most Common Worksite	Hospital		
Most Common Specialty	Medical/Surgical		
Most Common Substance Abused	Alcohol/Dilaudid		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	19	19	2,480
Mental Illness (only)	1	1	136
Dual Diagnosis	10	10	1067
Undetermined	0	0	0
REFERRAL TYPE*			
Self	16	16	2501
Board	14	14	1221
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	1	1	69
African American	0	0	117
Hispanic	0	0	124
Native American	0	0	23
Pacific Islander	1	1	10
Caucasian	28	28	3048
Other	0	0	56
Not Reported	0	0	275
CLOSURES			
Successful Completion	16	16	1335
Failure to Derive Benefit	1	1	97
Failure to Comply	6	6	864
Moved to Another State	0	0	54
Not Accepted by DEC	0	0	36
Voluntary Withdrawal Post-DEC	2	2	263
Voluntary Withdrawal Pre-DEC	4	4	373
Closed Public Risk	3	3	112
No Longer Eligible	0	0	8
Client Expired	0	0	31
TOTAL CLOSURES	32	32	3173
NUMBER OF PARTICIPANTS: 442 (as of September 1, 2008)			

BOARD OF REGISTERED NURSING
Diversion/Discipline

Agenda Item Summary

AGENDA ITEM: 9.3
DATE: October 16, 2008

ACTION REQUESTED: Approve/Not Approve: Diversion Evaluation Committee Member

REQUESTED BY: Carol Stanford, Diversion/Probation Program Manager

BACKGROUND:

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

(a) APPROVE/NOT APPROVE: Diversion Evaluation Committee Member Appointment

NEXT STEP: Continue recruiting efforts

**FINANCIAL
IMPLICATIONS:** None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616